

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CARMEN TAVAREZ-VARGAS, *Individually, and On :* :  
*Behalf of All Others Similarly Situated,* :  
:  
Plaintiff, : 21 Civ. 9831 (JPC)  
:  
-v- : ORDER  
:  
SINGER SEWING MACHINE COMPANY, :  
:  
Defendant. :  
:  
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JOHN P. CRONAN, United States District Judge:

On January 21, 2022, the Court ordered Plaintiff by February 4, 2022 to “move for default judgment as to Defendant.” Dkt. 6 at 1. That Order scheduled a default judgment hearing for March 7, 2022 at 10:30 a.m. After Defendant appeared, the Court vacated the certificate of default. Dkt. 16. The January 21 order explained that “[i]n the event that Defendant appears in this case and opposes the motion for default judgment prior to the scheduled court appearance on March 7, 2022, that court appearance shall also serve as an Initial Case Management Conference pursuant to 5.B of the Court’s Individual Rules and Practices in Civil Cases.” Dkt. 6 at 2.

The parties have not, however, complied with the Court’s rules to submit before the conference “a joint letter as well as a proposed Civil Case Management Plan and Scheduling Order attached as an exhibit to the joint letter.” Individual Rules and Practices in Civil Cases 5(B). The Court therefore adjourns the conference scheduled for March 7, 2022 at 10:30 a.m. until April 4, 2022 at 11:00 a.m. By March 28, 2022, the parties shall submit a joint letter, not to exceed five pages, addressing the following in separate paragraphs:

- (1) A brief statement of the nature of the action and the principal defenses thereto;
- (2) A brief explanation of why jurisdiction and venue lie in this Court;

- (3) A brief description of all outstanding motions and/or all outstanding requests to file motions;
- (4) A brief description of any discovery that has already taken place, and that which will be necessary for the parties to engage in meaningful settlement negotiations;
- (5) A list of all prior settlement discussions, including the date, the parties involved, and the approximate duration of such discussions, if any;
- (6) The estimated length of trial; and
- (7) Any other information that the parties believe may assist this Court in resolving the action.

By that date, the parties shall also submit to the Court a proposed case management plan and scheduling order, a template of which is available at <https://www.nysd.uscourts.gov/hon-john-p-cronan>. The parties should be prepared to discuss at the April 4 conference whether the Complaint alleges a valid cause of action under the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* See, e.g., *Winegard v. Newsday LLC*, No. 19 Civ. 04420 (EK), 2021 WL 3617522 (E.D.N.Y. Aug. 16, 2021) (“[T]he ADA excludes, by its plain language, the websites of businesses with no public-facing, physical retail operations from the definition of ‘public accommodations.’”); *Martinez v. MyLife.com, Inc.*, No. 21 Civ. 4779 (BMC), 2021 WL 5052745, at \*2-\*3 (E.D.N.Y. Nov. 1, 2021) (same); *Gil v. Winn-Dixie Stores, Inc.*, 993 F.3d 1266, 1277 (11th Cir. 2021) (“[W]ebsites are not a place of public accommodation under Title III of the ADA.”), *opinion vacated on mootness grounds on panel reh’g*, 2021 WL 6129128 (11th Cir. Dec. 28, 2021).

SO ORDERED.

Dated: March 4, 2022  
New York, New York

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JOHN P. CRONAN  
United States District Judge